

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KERRY KURISU, et al.,

Plaintiffs,

v.

SVENHARD SWEDISH BAKERY  
SUPPLEMENTAL KEY MANAGEMENT  
RETIREMENT PLAN, et al.,

Defendants.

Case No. [20-cv-06409-EMC](#)

**ORDER RE SUPPLEMENTAL  
BRIEFING ON VENUE AND  
SCHEDULING STATUS  
CONFERENCE**

Docket Nos. 38-39

The Court has reviewed the parties' supplemental briefs regarding venue. Having considered such, the Court concludes that a § 1404(a) transfer of the entire action to the District of Oregon would not be proper. The three individual defendants who have appeared in this case (Mr. Svenhard, Mr. Kunkel, and Mr. Kohles) do not consent to transfer to Oregon, and there is no indication that the claims against them could have been brought in Oregon. *See* 28 U.S.C. § 1404(a) (providing that, "[f]or convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented"); *see also* Prescott-Harris v. Fanning, No. 15-1716 (RC), 2016 U.S. Dist. LEXIS 171360, at \*21 (D.D.C. Dec. 12, 2016) (noting that there must be "venue with respect to each defendant and each cause of action"); *Gamboa v. USA Cycling, Inc.*, No. 2:12-cv-10051-ODW(MRWx), 2013 U.S. Dist. LEXIS 56240, at \*10 (C.D. Cal. Apr. 18, 2013) (rejecting "[t]he theory of pendent-party venue [which] provides that if all claims arise out of the same transaction or occurrence and venue is proper as to at least one defendant, a court should be able to retain the entire action under a pendent-party venue

theory”; “federal courts have generally held that venue requirements must be satisfied for each separate cause of action and as to each defendant.”).

The Court, however, sets a status conference in this case so that it may address with the parties what coordination there should be between this action and the cases in the District of Oregon. The Court acknowledges the Bakery Defendants’ position that it has no venue over them and/or that claims against them should be severed and then transferred to Oregon. But at this point, the Court does not make a ruling on that argument and simply wishes to discuss with the parties what options there are regarding coordination, including but not limited to severance and transfer.

**The status conference shall be held at 10:30 a.m., June 10, 2021.**

**IT IS SO ORDERED.**

Dated: May 21, 2021



EDWARD M. CHEN  
United States District Judge